

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-2137V

UNPUBLISHED

ANGELINA M. LOMBARDO,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: May 9, 2023

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Causation-In-Fact; Tetanus
Diphtheria acellular Pertussis (Tdap)
Vaccine

Matthew F. Belanger, Faraci Lange LLP, Rochester, NY, for Petitioner.

Nina Ren, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On November 5, 2021, Angelina M. Lombardo filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she developed an infected inflammatory granulomatous lesion and abscess as a result of a tetanus-diphtheria-acellular pertussis (“Tdap”) vaccine that she received in her left deltoid on April 16, 2019. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 26, 2023, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, Respondent has “concluded that [P]etitioner developed an inflammatory

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

granulomatous lesion and residual scar on her left upper extremity, which were more likely than not caused by administration of the Tdap vaccine.” *Id.* at 3-4.

In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master